

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Applicant(s): Bertram V. Burke  
Entitled: VOUCHERLESS REBATE SYSTEM  
Examiner: Jean D. JANVIER  
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**AMENDED APPEAL BRIEF**

Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed March 18, 2008, and in response to the Final Office Action dated September 21, 2007, wherein Appellant appeals from the Examiner's rejection of claims 1-28 and 30-46. As set forth in detail in the Communication being filed herewith, this Appeal Brief has been amended in accordance with the requirements set forth in the Notification of Non-Complaint Appeal Brief dated January 8, 2009.

## **TABLE OF CONTENTS**

I. Real Party of Interest .....	1
II. Related Appeals and Interferences .....	1
III. Status of Claims .....	1
IV. Status of Amendments.....	1
V. Summary of Claimed Subject Matter.....	1
VI. Grounds of Rejection to be Reviewed on Appeal.....	7
VII. Argument .....	7
VIII. Conclusion .....	13
APPENDIX A: CLAIMS ON APPEAL .....	A
APPENDIX B: EVIDENCE APPENDIX.....	L
APPENDIX C: RELATED PROCEEDINGS APPENDIX .....	M

## **I. Real Party of Interest**

The real party in interest is Bertram V. BURKE, who is the inventor of the subject application.

## **II. Related Appeals and Interferences**

None.

## **III. Status of Claims**

Claims 1-28 and 30-46 are pending in this Application. Claims 29 and 47-54 were previously cancelled. Claims 1-28 and 30-46 have been finally rejected, and it is from the final rejection of Claims 1-28 and 30-46 that this Appeal is taken.

## **IV. Status of Amendments**

The claims have not been amended subsequent to the imposition of the Final Office Action dated September 1, 2007.

## **V. Summary of Claimed Subject Matter**

The present invention, as recited in independent Claims 1, 2, 7, 8 and 31 is directed toward a method and system for operating and managing a consumer based voucher rebate system, as described throughout the Specification including the Summary of the Invention from paragraph [¶0005] through paragraph [¶0014].

With respect to independent Claim 1, a computerized method is claimed. As described at least in paragraphs [(¶ [0006], [¶0007, [¶0019], [¶0025], [¶0035] and [¶0036]), the method

includes the step of, at an entry terminal of a merchant in a transaction, entering and recording an identification and an amount spent by a supporter at the merchant, the identification incorporated into a transaction card where the card is not associated with a traditional credit card. As described at least in FIG. 1 and paragraphs [¶0021] and [¶0022], the method further recites uploading the ID and the amount entered to an independently supported central clearinghouse component, wherein a program in the clearinghouse component has recorded therein, in computer code, a determination by the merchant of the amount of rebate available from the merchant, the central clearinghouse component not associated with or controlled by the nonprofit component, the supporter component or the merchant component. The method further recites the steps of deducting in the central clearinghouse rebates determined by the merchant on the basis of purchases of the supporter from the merchant and to be paid by the merchant (disclosed at least in FIG. 6 and paragraphs [¶0061] and [¶0070]), and, in the central clearinghouse, forwarding to an account of the nonprofit the calculated and deducted rebates to a nonprofit selected by the supporter as entered in the central clearinghouse, where the central clearinghouse enrolls the one or more nonprofits, the one or more supporters and the one or more merchants (disclosed at least in paragraph [¶0007]).

Independent Claim 2 recites a computerized method of accumulating credits for one or more organizations. As disclosed at least in paragraphs [¶0019] through [¶0021] and [¶0035] through [¶0056], the recited steps include recording assigned identification to one or more supporters, one or more merchants and one or more organizations, where the identifications assigned to the supporters are incorporated into a transaction card. Claim 2 further recites the steps of associating the identification of a supporter with a merchant and associating a supporter with an affiliated organization in response to each transaction between a merchant and a

supporter. These steps are disclosed in the Specification at least in paragraphs [¶0020] and [0070].

Claim 2 further recites the steps of deducting and recording rebates from the supporter's purchase in the transaction as determined by the merchant, and crediting the rebate to an organization affiliated in a processor system by the supporter where the processor system is not controlled by the organizations, the merchants or the supporters and where the processor system enrolls the supporters, the merchants and the organizations. These steps are disclosed in the Specification at least in paragraphs [¶0007], [¶0020], [¶0059], [¶0062] and in the drawings, FIGS. 3-6.

Claim 3 is dependent upon independent Claim 2 and therefore incorporates each of the steps of that claim. Claim 3 further identifies the steps of recording assigned identification as being performed at a remote terminal of a merchant, and identifies the steps of associating, deducting and crediting as being performed in the processor system of a central clearinghouse. The claimed steps are disclosed in the Specification in at least paragraphs [¶0015], [¶0017], [¶0020] and [¶0023] and in the drawings, FIG. 1.

Claim 6 is also dependent upon independent Claim 2. Claim 6 provides that the step of recording includes uploading each transaction to the clearinghouse and the step of crediting includes downloading accumulated rebates to the organizations. These features are supported in the Specification at least in paragraphs [¶0007], [¶0022], [¶0023], [¶0057], [¶0070], and in the drawing, including FIG. 1.

Independent Claim 7 recites a computerized method that includes the step of maintaining individual identifications assigned to one or more organizations, to one or more supporters, and

to one or more merchants, where the identifications assigned to the one or more supporters is incorporated into a transaction card, where the transaction card is not associated with a traditional credit card. These steps are disclosed in the Specification at least in paragraphs [¶0023], [¶0035], [¶0036], [¶0050], and [¶0070].

Independent Claim 8 recites a computerized method including the steps of, in computer code, maintaining, in an independently supported computer network, the identification of merchants, the identification of supporters associated with the merchants, and the identification of nonprofit organizations selected by the supporters, where the identification of the supporters associated with the merchants is incorporated into a transaction cards, the transaction card not associated with a traditional credit card. These steps are disclosed in the Specification at least in paragraphs [¶0023], [¶0035], [¶0036], [¶0050], and [¶0070].

Claim 8 also recites the step of, in computer code, maintaining in the computer network, a rebate calculation determined by the merchants on the basis of transactions with the supporters, for payment of rebates from the merchants by the clearinghouse computer to the nonprofit organizations, where the rebate calculations are determined by the merchants and credited to the nonprofit organizations selected by the supporters where the computer network enrolls the merchants, the supporters and the nonprofit organizations. These steps are disclosed in the Specification at least in paragraph [¶0016] and [¶0021] and FIGS. 3-5.

Claim 28 depends from independent Claim 1. Claim 28 recites additional features including the clearinghouse component has recorded therein in computer code the determination of the merchant of the amount of rebate available from the merchant, the determination of the merchant of the nonprofits to receive rebates from the merchant, the supporters who qualify for

rebates by the merchant, and the required activity needed to qualify for a rebate. These steps are disclosed in the Specification at least in paragraph [¶0021], [¶0022] and [¶0070] and in the drawings, in FIGS. 1.

Claim 28 further includes features wherein the step of calculating in the central clearinghouse rebates determined by the merchant on the basis of purchases of the supporter from the merchant and to be paid from the merchant by the central clearinghouse to the nonprofit includes agreeing on the supporters who qualify for rebates by the merchant, and the required activity needed to qualify for a rebate. These steps are disclosed in the Specification at least in paragraph [¶0016] and [¶0020], and in the drawings, in FIGS. 1 and 5.

Claim 30 depends from independent Claim 1, and further includes the step of the nonprofits encoding and entering data in the clearing house component to enroll supporters and enroll supporters with one or more merchants where the supporters will shop. These steps are disclosed in the Specification at least in paragraph [¶0019] and [¶0040], and in the drawings, in FIGS. 1 and 4.

Independent Claim 31 recites a method including the steps of entering an ID and an amount spent by a supporter at the merchant in a transaction, the transaction occurring independent of a credit card transaction, and uploading the entered ID and the entered amount to an independently supported central clearinghouse component, where the central clearinghouse component has recorded therein in computer code a determination by the merchant of the amount of rebate available from the merchant, where the clearinghouse component is not associated with or controlled by the organization component, the supporter component or the merchant

component. These steps are disclosed in the Specification at least in paragraphs [¶0058], [¶0059], [¶0060] and [¶0061], and Figure 1.

Independent Claim 31 also recites the step of, at an entry terminal of a merchant in a transaction, entering an ID and an amount spent by a supporter at the merchant in computer code, the transaction occurring independent of a credit card transaction (supported at least in paragraphs [¶0007]). Claim 31 further recites the step of, in computer code, uploading the entered ID and the entered amount to an independently supported central clearinghouse component, wherein said clearinghouse component has recorded therein, in computer code, a determination by said merchant of the amount of rebate available from said merchant, the clearinghouse component not associated with or controlled by the organization component, the supporter component, or the merchant component (supported at least in FIG. 1 and paragraphs [¶0021] and [¶0022]).

Independent Claim 31 further recites the steps of calculating in the clearinghouse component a rebate determined by the merchant on the basis of the transaction to be paid from the merchant by the clearinghouse component to the organization component, deducting from the amount entered in the transaction from the merchant the calculated rebates determined by the merchant, and forwarding to the organization component the calculated and deducted rebates to be paid from the merchant by the clearinghouse component to the organization on the basis of the selected relationship between the supporters and the organization, where the clearinghouse component enrolls the one or more supporters, the one or more organizations and the one or more merchants. These steps are disclosed in the specification at least in FIGS. 3-5 and paragraphs [¶0061] and [¶0070].



## **VI. Grounds of Rejection to be Reviewed on Appeal**

1. Claims 1, 2, 7, 8 and 31 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

2. Claims 1-28 and 30-46 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,466,919 to Hovakimian in view of an article entitled “Flowers as a Double Gift”, published in the New York Times on May 5, 19990 (“Flowers”).

3. Claims 1-2, 7-8 and 31 were rejected under 35 U.S.C. §103(a) as being unpatentable over Flowers in view of Hovakimian.

## **VII. Argument**

### **The Rejection of Claims 1, 2, 7, 8 and 31 under 35 U.S.C. §112**

Claims 1, 2, 7, 8 and 31, including each of their dependent claims were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Office Action states that the claims contain subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

Specifically, on page 3 of the Final Office Action, the Examiner incorrectly asserts that, with respect to Claims 1, 2, 7 and 8, the specification does not explicitly support “the transaction card, related to the supporter’s ID, is not associated with a traditional credit card.” Regarding Claim 31, the Office Action states that “in the step of” entering an ID and an amount spent by a supporter at the merchant in computer code, the transaction occurring independent of a credit

card transaction’, it appears that the specification does not immediately support that “the transaction does not involve a credit card transaction.”

However, contrary to the Examiner assertion, the specification does support the recitation that “the transaction card, related to the supporter’s ID, is not associated with a traditional credit card”. As disclosed throughout the specification (e.g. [¶0019] and [¶0035]), *a nonprofit component (NC)* orders plastic transaction cards (TC) for its supporters to use at merchant locations. Non-profit organizers, unlike financial institutions, cannot issue credit cards. Further, the specification [¶0025]) compares the transaction card to a credit card (“the system can use a transactional plastic card *the size of a traditional credit card*”) (emphasis added), thus clearly implying that the TC of Applicant’s system is *not* a credit card.

Thus, based on at least the above argument, Applicant asserts that the language objected to by the Examiner is fully supported in the specification. Accordingly, the Examiner’s rejection with respect to Claims 1, 2, 7, 8 and 31 under 35 U.S.C. §112 should be reversed.

**The Rejection of Claims 1-28 and 30-46 under 35 U.S.C. §103(a)**

Claims 1-28 and 30-46 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,466,919 to Hovakimian (“Hovakimian”) in view of an article entitled “Flowers as a Double Gift”. For convenience of the Honorable Board in addressing the rejections, dependent Claims 28 and 30 stand or fall together with independent Claim 1, Claims 3-6 stand or fall together with independent Claim 2, dependent Claims 9 through 27 stand or fall together with independent Claim 8, and dependent Claims 32-46 stand or fall together with independent Claim 31.

A. The Examiner fails to cite a reference or combination of references disclosing each and every element of Applicants' Claimed Invention

Claim 1 provides a computer system whereby an identification number containing information relating to the identity of the supporters, the nonprofits, and the merchants, is incorporated into a transaction card. The transaction card is not associated with a traditional credit card of the type used by Hovakimian. In Hovakimian, the transaction occurs only via the use of a credit card [see Hovakimian generally, including Abstract and Claim 1]. In other words, for the system of Hovakimian to be used, the supporter must use a credit card for the transaction at the merchant's entry terminal. This requires the usual pre-qualification screening process that one must go through in order to obtain a credit card. In other words, supporters that do not qualify for a credit card cannot implement the rebate system disclosed in Hovakimian.

By contrast, Applicant's claimed rebate system does not require the pre-qualification process of obtaining a credit card. Claim 1 requires a "transaction card . . . not associated with a traditional credit card" to be used to supply the identification information at the POS terminal. The supporter in Applicant's system need not be pre-approved or even use a credit card in order to implement the claimed rebate system. The transaction card used in Applicant's system is issued solely for the use of the supporter in the claimed rebate system.

Claim 1 has been further amended to provide a clearinghouse that enrolls all three components of Applicant's system: the nonprofit organizations, the supporters and the merchants. One entity, the central clearinghouse, enrolls all three of these components. This centralized computer processing system is not disclosed or suggested in Hovakimian.

Because Hovakimian and Flowers, either alone or in combination, do not teach each of the elements of the claimed invention, they cannot constitute 35 U.S.C. § 103 prior art with

respect to Claim 1, which includes the limitations discussed above. Accordingly, Applicant respectfully requests the withdrawal of the rejection with respect to this claim.

Claims 28 and 30 each depend directly from independent Claim 1 as discussed above. These claims recite additional limitations which, in conformity with the features of their corresponding independent claim, are not disclosed or suggested by the art of record. The dependent claims are therefore believed patentable. However, the individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

Claim 2 includes the identical amendments as discussed above and therefore is also deemed allowable. Because Hovakimian and Flowers, either alone or in combination, do not each of the elements of the claimed invention, they cannot constitute 35 U.S.C. § 103 prior art with respect to Claim 2, which includes the limitations discussed above. Accordingly, Applicant respectfully requests the withdrawal of the rejection with respect to this claim.

Claims 3-6 are each dependent either directly or indirectly from independent Claim 2 as discussed above. These claims recite additional limitations which, in conformity with the features of their corresponding independent claim, are not disclosed or suggested by the art of record. The dependent claims are therefore believed patentable. However, the individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

Claim 7 includes the limitation that the transaction card that includes the identification information is not associated with a traditional credit card. Claim 8 includes the identical limitations as described above with respect to Claim 2. Because Hovakimian and Flowers, either alone or in combination, do not each of the elements of the claimed invention, they cannot constitute 35 U.S.C. § 103 prior art with respect to Claims 7 and 8, which include the limitations discussed above. Accordingly, Applicant respectfully requests the withdrawal of the rejection

with respect to these claims. Claims 9-27 are each dependent either directly or indirectly from independent Claim 8 as discussed above. These claims recite additional limitations which, in conformity with the features of their corresponding independent claim, are not disclosed or suggested by the art of record. The dependent claims are therefore believed patentable. However, the individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

Claim 31 recites the embodiment whereby the transaction occurring at the entry terminal does not include the use of a transaction card. The application fully supports the scenario whereby system identification information can be entered into the entry terminal without a transaction card or credit card of any kind [Burke, Published Application, paragraph 0025]. As stated above, Hovakimian requires the use of a credit card and is initiated based on a credit card transaction. Claim 31, as amended, requires a transaction to occur, where the transaction occurs “independent of a credit card transaction”.

Because Hovakimian and Flowers, either alone or in combination, do not each of the elements of the claimed invention, they cannot constitute 35 U.S.C. § 103 prior art with respect to Claim 31, which includes the limitations discussed above. Accordingly, Applicant respectfully requests the withdrawal of the rejection with respect to this claim.

Claims 32-46 are each dependent either directly or indirectly from one or another of independent Claim 31, discussed above. These claims recite additional limitations which, in conformity with the features of their corresponding independent claim, are not disclosed or suggested by the art of record. The dependent claims are therefore believed patentable. However, the individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

For all of the above reasons, the claim objections are believed to have been overcome placing Claims 1-28, and 30-46 in condition for allowance, and reconsideration and allowance thereof is respectfully requested.

**The Rejection of Claims 1-2, 7-8 and 31 under 35 U.S.C. §103(a)**

Claims 1, 2, 7-8 and 31 were rejected under 35 U.S.C. §103(a) as being unpatentable over Flowers in view of Hovakimian. Reference is made to the arguments in favor of the patentability of independent Claims 1, 2, 7-8 and 31 provided above.

For all of the above reasons, the claim objections are believed to have been overcome placing Claims 1-2, 7-8 and 31 in condition for allowance, and reconsideration and allowance thereof is respectfully requested.

Concluding, the Examiner has failed cite a combination of references disclosing each and every element of Applicant's claims as required for a *prima facie* case of obviousness. Accordingly, the Examiner's rejection with respect to Claims 1-28 and 30-46 should be reversed.

## VIII. Conclusion

For the reasons provided above as well as provided in the record, the claim rejections are believed to be improper and a result of clear error by the Examiner. Accordingly, pending Claims 1-28 and 30-46 are believed to be in condition for allowance, and a reversal of the Examiner's rejections is respectfully requested.

The Commissioner is hereby authorized to credit overpayments or charge payment of any additional fees associated with this communication to Deposit Account No. 090457.

Respectfully submitted,

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## **APPENDIX A: CLAIMS ON APPEAL**

1. In a computer system including a clearinghouse component, a nonprofit component having one or more nonprofits, a supporter component having one or more supporters, and a merchant component having one or more merchants, with the clearinghouse component connecting the other three components via a variety of entry terminals, the clearinghouse component having recorded therein an individual identification number (ID) for each of the one or more supporters and identifications of each of said one or more nonprofits and said one or more merchants, a computerized method comprising:

in said computer system, at an entry terminal of a merchant in a transaction, entering and recording an ID and an amount spent by a supporter at the merchant, the ID incorporated into a transaction card, the transaction card not associated with a traditional credit card;

uploading the ID and the amount entered to an independently supported central clearinghouse component, wherein a program in said clearinghouse component has recorded therein, in computer code, a determination by said merchant of the amount of rebate available from said merchant, the central clearinghouse component not associated with or controlled by the nonprofit component, the supporter component or the merchant component;

deducting in the central clearinghouse rebates determined by said merchant on the basis of purchases of the supporter from said merchant and to be paid by the merchant; and

in the central clearinghouse, forwarding to an account of said nonprofit, the calculated and deducted rebates to a nonprofit selected by the supporter as entered in the central clearinghouse, the central clearinghouse enrolling the one or more nonprofits, the one or more supporters and the one or more merchants.

2. A computerized method of accumulating credits for one or more organizations, comprising:

recording assigned identifications to one or more supporters, one or more merchants, and one or more organizations in a processor system, the identifications assigned to the one or more



supporters incorporated into a transaction card, the transaction card not associated with a traditional credit card;

in the processor system, associating the identification of a supporter with a merchant and associating a supporter with an affiliated organization in response to each transaction between a merchant and a supporter;

in the processor system, deducting and recording rebates determined by the merchant and to be paid by the merchant from a purchase of the supporter from said merchant in a transaction; and

with the processor system, crediting the rebate deducted from purchases of the supporter from said merchant in said transaction to an organization affiliated in the processor system by said supporter, the processor system not controlled by the one or more organizations the one or more supporters, or the one or more merchants, the processor system enrolling the one or more supporters, the one or more merchants and the one or more organizations.

3. The method as in claim 2, wherein the steps of recording assigned identification are performed at a remote terminal of a merchant; and

the steps of associating, deducting, and crediting are performed in the processor system of a central clearinghouse.

4. The method as in claim 2, wherein the organization is a nonprofit body, the one or more supporters shop at the one or more merchants, and the one or more merchants agree to have the processor system pay the rebates of the merchant to the nonprofit body determined by the purchaser.

5. The method as in claim 2, further comprising assigning identifications to each of said one or more supporters, to each of said one or more merchants, and to each of said one or more organizations.

6. The method as in claim 3, wherein each the step of recording includes uploading each transaction to said clearinghouse and the step of crediting includes downloading accumulated rebates to said organizations.

7. A computerized method comprising the steps of:

maintaining, in a system and in computer code, individual identifications assigned to one or more organizations and individual identifications assigned to one or more supporters and individual identifications assigned to one or more merchants, the identifications assigned to one or more supporters incorporated into a transaction card, the transaction card not associated with a traditional credit card;

in the system and in computer code, maintaining a schedule of rebates determined to be contributed by each of the one or more the merchants;

in the system, collecting from the merchant, in computer code, during a transaction between a supporter and a merchant, the identifications of the supporter and the merchant;

determining, at the time of the transaction, if the transaction involves a rebate to one or more of the one or more organizations;

calculating, in computer code, the rebates due from the merchant; and

in the system, crediting the amount of rebates determined by the one or more merchants, to the one or more organizations selected by the one or more supporters.

8. A computerized method, comprising:

in computer code, maintaining in an independently supported clearinghouse computer network, identification of merchants, identification of supporters associated with the merchants, and identification of nonprofit organizations selected by the supporters, the clearinghouse computer network not associated with or controlled by the merchants, the supporters or the nonprofit organizations, the identification of support associated with the merchants incorporated into a transaction card, the transaction card not associated with a traditional credit card;

in computer code, maintaining in said clearinghouse computer network a rebate calculation determined by said merchants on the basis of transactions with said supporters, for payment of rebates from the merchants by said clearinghouse computer network to said nonprofit organizations; and

said clearinghouse computer network crediting rebate calculations determined by said merchants, to said nonprofit organizations selected by said supporters, wherein the clearinghouse computer network enrolls the merchants, the supporters, and the nonprofit organizations.

9. The method as in claim 8, wherein said clearinghouse computer network is connected to remote terminals of the merchants, and the step of maintaining identification of supporters includes enrolling of supporters associated with the merchants and is performed at the remote terminals of the merchants; and

said clearinghouse computer network includes a central clearinghouse, and the steps of entering a rebate calculation determined by said merchants on the basis of transactions with said supporters, for payment of rebates by the merchants to said nonprofit organizations, is performed in the central clearinghouse.

10. The method as in claim 9, wherein the nonprofit organization is a nonprofit body, the supporters shop at the merchants, and the merchants agree to have the central clearinghouse pay the rebates to the nonprofit body.

11. The method as in claim 9, wherein the step of having payments credited includes uploading each transaction to said clearinghouse and downloading accumulated payments to said remote terminals at said nonprofit organizations.

12. The method as in claim 8, wherein said clearinghouse computer network includes remote terminals of the nonprofit organizations, and the step of maintaining identification of supporters includes enrolling supporters associated with the nonprofit organizations and is performed from remote terminals of the nonprofit organizations; and

information concerning enrolling supporters is uploaded by said remote terminals of the nonprofit organizations to a database in said central clearinghouse computer network.

13. The method as in claim 12, wherein said clearinghouse computer network includes a central clearinghouse, said transactions define shopping activity of said supporters, and said payments represent calculated rebates, and said clearinghouse downloads reports on the

shopping activity and calculated rebates due said nonprofit organizations to remote terminals operated by the nonprofit organizations.

14. The method as in claim 8, wherein said clearinghouse computer network includes remote terminals operated by said supporters and said step of:

maintaining identifications of supporters includes supporters using said remote terminals to enroll themselves and select a nonprofit organization that will receive payments based on the calculated rebates; and

information concerning said enrollment is uploaded from said remote terminals to a database in said central clearinghouse computer.

15. The method as in claim 14, wherein said clearinghouse computer network includes a central clearinghouse that downloads reports on the transactions in the form of shopping activity and calculated rebates credited to said nonprofit organizations to remote terminals operated by said supporters.

16. The method as in claim 8, wherein said clearinghouse computer network includes remote terminals of the nonprofit organizations, and the step of maintaining identifications of supporters associated with the nonprofits organizations includes recording the identifications and is performed from the remote terminals of the nonprofit organizations; and

said recording constitutes enrollment information and is uploaded by said nonprofit remote terminals to a database in said central clearinghouse computer.

17. The method as in claim 12, wherein said clearinghouse computer network includes a central clearinghouse that downloads reports on the

shopping activity and calculated rebates due said nonprofits to remote terminals operated by the nonprofit organizations.

18. The method as in claim 8, wherein said clearinghouse computer network includes remote terminals operated by supporters to enroll themselves and to select a nonprofit organization that will receive the calculated rebates; and

said enrollment information is uploaded by said remote terminals to a database in said central clearinghouse computer.

19. The method as in claim 14, wherein said clearinghouse computer network includes a central clearinghouse that downloads reports on the shopping activity and calculated rebates due said nonprofits to remote terminals operated by said supporters.

20. The method as in claim 8, wherein said process of maintaining the identification of the merchants, identification of the supporters, and identification of the nonprofit organizations includes recognizing the merchants, the supporters, and the nonprofit organizations during said transactions.

21. The method as in claim 15, wherein said clearinghouse computer network includes remote terminals at the nonprofit organizations, and the

enrolling of supporters associated with the nonprofit organizations is performed at the remote terminals of the nonprofit organizations; and

said clearinghouse computer network includes a central clearinghouse, and the steps of entering a rebate calculation determined by said merchants on the basis of transactions with said supporters, for payment of rebates from the merchants by the central clearinghouse to said nonprofit organizations, is performed in the central clearinghouse.

22. The method as in claim 15, wherein said clearinghouse computer network includes remote terminals at the nonprofit organizations, and the maintaining identifications include enrolling of supporters and the merchants and are performed from the remote terminals of the nonprofit organizations; and

said clearinghouse computer network includes a central clearinghouse, and the steps of entering a rebate calculation determined by said merchants on the basis of transactions with said supporters, for payment of rebates of the merchants by the central clearinghouse to said nonprofit organizations, are performed in the central clearinghouse.

23. The method as in claim 15, wherein said clearinghouse computer network includes remote terminals of the supporters, and the steps of maintaining include enrolling of

nonprofit organizations are performed at the remote terminals of the supporters; and said clearinghouse computer network includes a central clearinghouse, and the steps of entering a rebate calculation determined by said merchants on the basis of transactions with said supporters, for payment of rebates by the merchants to said nonprofit organizations, are performed in the central clearinghouse.

24. The method as in claim 15, wherein said clearinghouse computer network includes remote terminals at the supporters, and the steps of maintaining include enrolling of nonprofit organizations associated with the merchants and are performed at the remote terminals of the supporters; and

said clearinghouse computer network includes a central clearinghouse, and the steps of entering a rebate calculation determined by said merchants on the basis of transactions with said supporters, for payment of rebates from the merchants by the central clearinghouse to said nonprofit organizations, are performed in the central clearinghouse.

25. The method as in claim 15, wherein said clearinghouse computer network includes a central clearinghouse, and the steps of maintaining include enrolling of supporters associated with the nonprofit organizations and are performed at the central clearinghouse; and

the steps of entering a rebate calculation determined by said merchants on the basis of transactions with said supporters, for payment of rebates from the merchants by the central clearinghouse to said nonprofit organizations, are performed in the central clearinghouse.

26. The method as in claim 15, wherein said clearinghouse computer network includes a central clearinghouse, and the steps of maintaining include enrolling of merchants associated with the supporters and are performed at the central clearinghouse; and

the steps of entering a rebate calculation determined by said merchants on the basis of transactions with said supporters, for payment of rebates from the merchants by the central clearinghouse to said nonprofit organizations, are performed in the central clearinghouse.

27. The method as in claim 15, wherein said clearinghouse computer network includes a central clearinghouse, and the steps of maintaining include enrolling of supporters

associated with the merchants and nonprofit organizations are performed at the central clearinghouse; and

said clearinghouse computer network includes a central clearinghouse, and the steps of entering a rebate calculation determined by said merchants on the basis of transactions with said supporters, for payment of rebates from the merchants by the

central clearinghouse to said nonprofit organizations, are performed in the central clearinghouse.

28. The method as in claim 1, wherein the clearinghouse component has recorded therein in computer code the determination of said merchant of the amount of rebate available from said merchant, further including the determination of said merchant of the nonprofits to receive rebates from said merchant, the supporters who qualify for rebates by said merchant, and the required activity needed to qualify for a rebate; and the step of calculating in the central clearinghouse rebates determined by said merchant on the basis of purchases of the supporter from said merchant and to be paid from the merchant by the central clearinghouse to the nonprofit includes agreeing on the supporters who qualify for rebates by said merchant, and the required activity needed to qualify for a rebate.

30. The method as in claim 1, further comprising said nonprofits encoding and entering data in said clearing house component to enroll supporters and enroll supporters with one or more merchants where the supporters will shop.

31. In a computer system including a clearinghouse component, an organization component having one or more organizations affiliated with one or more supporters, a supporter component having one or more supporters affiliated with one or more of the organizations, and a merchant component having one or more merchants, with the clearinghouse component and the merchant component being connected via one or more entry terminals, said computer system and said components, the clearinghouse component having recorded therein in computer code an individual identification number (ID) for each of the one or more supporters and identifications of each of said one or more organizations and said one or more merchants, the clearinghouse component also having recorded therein in computer code information as to the selected

relationship of each of said one or more supporters and said one or more organizations with each other, a method comprising:

in said computer system, at an entry terminal of a merchant in a transaction, entering an ID and an amount spent by a supporter at the merchant in computer code, the transaction occurring independent of a credit card transaction;

in computer code, uploading the entered ID and the entered amount to an independently supported central clearinghouse component, wherein said clearinghouse component has recorded therein, in computer code, a determination by said merchant of the amount of rebate available from said merchant, the clearinghouse component not associated with or controlled by the organization component, the supporter component, or the merchant component;

in computer code, calculating in the clearinghouse component a rebate determined by said merchant on the basis of the transaction to be paid from the merchant by the clearinghouse component to the organization component; and

the clearinghouse component deducting from the amount entered in the transaction from said merchant the calculated rebates determined by the merchant and in computer code the clearinghouse component forwarding to said organization component the calculated and deducted rebates to be paid from the merchant by the clearinghouse component to said organization on the basis of the selected relationship between the supporters and the organization,

the clearinghouse component enrolling the one or more supporters, the one or more organizations and the one or more merchants.

32. The method as in claim 31, wherein the rebate to be paid from the merchant by the clearinghouse component to the organization is calculated at the clearinghouse in computer code on the basis of the amount entered in the transaction.

33. The method as in claim 32, wherein the calculated rebate to be paid from the merchant by the clearinghouse component is also calculated at the clearinghouse in computer code on the basis of amounts in prior transactions by the consumer at the merchant.



34. The method as in claim 33, wherein the rebate to be paid from the merchant by the clearinghouse component is also calculated on the basis of arrangement with the organization component.

35. The method as in claim 31, wherein the organization component is a nonprofit component having a plurality of nonprofits.

36. The method as in claim 31, wherein said organization component includes one or more organizations each of which is a nonprofit.

37. The method as in claim 31, wherein the organization component includes a nonprofit body, the one or more supporters shop at the one or more merchants, and the one or more merchants agree to pay rebates from the merchant by the clearinghouse component to the nonprofit body.

38. The method as in claim 31, wherein the step of forwarding further includes downloading, in computer code, data concerning accumulated rebates.

39. The method as in claim 31, wherein each transaction defines shopping activity, and said clearinghouse component downloads reports on shopping activity and the step of forwarding includes sending reports, in computer code, of rebates to the merchant.

40. The method as in claim 31, wherein the step of uploading occurs on-line during a transaction.

41. The method as in claim 31, wherein the step of uploading occurs on a batch basis at a time other than a transaction.

42. The method as in claim 31, wherein the program in said clearinghouse component has recorded therein in computer code a determination of said merchant of the amount of rebate available from said merchant, further including the determination of said merchant of the amount of the rebate, the supporters who qualify for rebates from said merchant, and the required activity needed to qualify for a rebate; and

the step of calculating in the clearinghouse component rebates includes using the determination by said merchant on the basis of purchases of the supporter from said merchant and to be paid from the merchant by the clearinghouse component to the nonprofit includes and on the supporters who qualify for rebates by said merchant, and the required activity needed to qualify for a rebate.

43. The method as in claim 31, further comprising a step of enrolling and establishing a supporter ID using an entry terminal to select one or more organizations that will receive payments based on the calculated rebates; and

information concerning said enrolling step is uploaded, by said entry terminal used during the step enrolling, to a database in said clearinghouse component.

44. The method as in claim 42, wherein said clearinghouse component includes a central clearinghouse that downloads reports on the transaction in the form of shopping activity and calculated rebates due said nonprofit organization to a remote terminal operated by said supporter.

45. The method as in claim 44, wherein the step of enrolling a supporter is performed at a remote terminal of an organization; and

information concerning enrolling of the supporter is uploaded by a remote terminal of the organization to a database in the clearinghouse component.

46. The method as in claim 44, wherein said clearinghouse component allows a supporter to enroll and to select an organization that will receive the calculated rebates.

## **APPENDIX B: EVIDENCE APPENDIX**

No evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 of this title or of any other evidence entered by the Examiner has been relied upon by Appellant in this Appeal, and thus no evidence is attached hereto.

### **APPENDIX C: RELATED PROCEEDINGS APPENDIX**

Since Appellant is unaware of any related appeals and interferences, no decision rendered by a court or the Board is attached hereto.